IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2977 OF 2004

Jagannath Maruti Dhuiagude .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.H.S.Venegonkar for the applicant.
Mr.R.Y.Mirza APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 16TH AUGUST, 2004

P.C.:

. Heard Mr.Venegaonkar, learned counsel for the applicant and Mr.Mirza, learned A.P.P. for the respondent.

2. The applicant is involved in C.R.No.78 of 2003 registered at Lonand police station under sections 498-A, 323, 504, 506, 306 read with section 34 of Indian Penal Code. The applicant and two others are alleged to have subjected deceased - Fulabai to cruelty and inhuman treatment which ultimately drove her to commit suicide. Before the deceased was succumbed to the injuries on 31.10.2003 her dying declaration was recorded in which she stated that she was being ill treated by all the accused and, therefore, she attempted to commit suicide. The present applicant is the husband of the deceased. The other two accused have already been enlarged on bail, the chargesheet

has also been filed and in view thereof Mr.Venegonkar, learned counsel for the applicant submits that even if all the allegations against the applicant are taken as true, the offence would not be liable punishment with imprisonment for life or death and it would at the most liable with imprisonment upto 10 years. Keeping that in view and the overall facts and circumstances of the case as also the statement of the deceased and considering that the applicant does not have criminal antecedents and that the trial is not likely to start within one year I am inclined to enlarge the applicant on bail.

. The applicant is directed to be enlarged on bail on his furnishing a personal bond of Rs.10,000/- with one or two sureties of the like amount to the satisfaction of the trial court subject to condition that he shall report the concerned police station every Saturday between 10 am and 11 am until the conclusion of his trial.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)